

Approved 4.7.09

Town of Fenwick Island

Minutes of the Charter & Ordinance Committee Meeting

March 3, 2009

Call to Order at 9:30 a.m.

Present: Committee Members Bill Weistling, Gene Langan, Todd Smallwood, Winnie Lewis, Audrey Serio, Vicki Carmean, Tom Wontorek and Pat Schuchman.

Absent: Buzz Henifin

Public Attendance: Tim Collins

Minutes:

- Vicki Carmean made a motion to approve the minutes of February 3, 2009 seconded by Winnie Lewis.

Apartments:

- Bill Weistling gave a brief history of C&O discussions on apartments at the request of the Commercial Liaison Committee (CLC) stating C&O began discussing apartments in March 2008. At that time, the CLC recommended a 10' front setback, a minimum apartment size of 1,200 square feet and no more than one apartment per lot.
- There has since been a First Reading of Chapter 160 (Zoning) on a 12' front setback in the Commercial Zone but it has not been placed on an agenda for a Second Reading.
- At the last CLC meeting, their committee agreed that the "apartment ideas" submitted by C&O which would allow for one apartment per lot, no more than two apartments per building, and a use which does not include the opportunity for condo-type sales creates a hindrance to re-development and creates no economic incentive for the commercial district.
- The CLC decided at their last meeting on January 22 to focus at this time on a planned overlay district and to table further discussion on apartment/condo until a planned overlay is in place.
- Based on the decision of the CLC to pursue a planned overlay district, headed by Chris Clark and Bryan Hall, State Office of Planning (Sussex County), Bill has recommended the C&O table further discussions on apartment until the CLC presents an overlay district plan. We will provide them with the same list of possible changes to the Zoning ordinance that was given to CLC for their review.

- We will also request from Bryan and Chris an estimated time frame on how long their process will take and, depending on the length of time, if they suggest holding off on any amendments until completion or proceed with the ones they feel are ready for implementation.
- Tim Collins, a member of the CLC and owner of two commercial properties in Town, spoke on behalf of his personal views as to parking in the commercial district which was not addressed by the CLC.
- He agrees with the comments made by the CLC and further commented that parking modifications need to be made to accommodate parking for a mixed use type of commercial development.
- Tim also has objections to the construction of apartments being limited to new construction only. His newer building, Southern Exposure Seaside, could support a second floor with one or two apartments as could probably the former Subway building.
- Tim also commented “grandfathered” parking at the Seaside Country Store which is not sufficient based on the formula used for parking requirements in the code but parking problems are few since the surrounding shopping centers act as an overflow area for additional cars.
- Vicki Carmean agreed on balance of the needs of the commercial district to make it more viable but cautioned it should not create a hardship in the residential district and all agreed the CLC should also discuss commercial parking requirements.
- Bill reminded the committee that an amendment to prohibit parking in the front setback of commercial properties has already been passed but a second reading on the 12’ front setback in the commercial zone has not yet been voted on.
- A poll was taken of all C&O committee members present who agreed on the following: to table further discussion on apartments until an overlay plan was in place; amend the minimum and rear setbacks in the commercial district and decide a minimum and maximum square footage for apartments.
- Bill stated a draft amendment on the setbacks will be ready for review at the next C&O meeting.

Council Eligibility:

- Section 6 of the Charter currently considers council members living within 50 miles to have resident status and requires that four of seven members reside within the 50 miles radius.
- Tempe Steen drafted at the C&O request that at least five members be residents of Town and that up to two must live within 50 miles of Town.
- C&O also requested Tempe draft an amendment to Chapter 15 of the Charter dealing with Town Council vacancies, forfeitures and filling vacancies.
- After discussion, it was agreed to consider an amendment to Chapter 15 as to council member attendance as well as vacancies and leave Section 6 as it is currently.
- Audrey and Vicki commented on policies of the Town Council and a need for a yearly schedule of meetings.

Refuse Container:

- Included in C&O Meeting packets were photos of dumpsters throughout the commercial district.
- Bill stated he liked the idea of dumpster enclosures but has concerns that the concept will not work. He does agree that all new construction should require that dumpster locations be screened.
- Todd Smallwood added that he thinks the dumpsters should be screened but has concerns that the current economy would create a hardship for business owners.
- It was agreed that a time limit be given for all dumpsters to be screened.
- In some cases all four sides of the dumpster area should be screened, however, final discretion in certain cases such as the dumpster being located by the wall of a building will be up to the Building Official.
- The committee will decide on a specific height for enclosures/screening after looking at some locations in neighboring Towns.

Codebook Updates:

- Vicki reviewed with the committee her list of areas of concern with verbiage, grammar and/or punctuation in the codebook from Chapters 17 thru 56 (copies are attached to the minutes).

Renewable Energy:

- Included with the C&O meeting packet was a copy of the Ocean City ordinance on small wind energy systems and requirements.
- Bill stated that all articles he has researched on wind turbine systems requires a 1:1 ratio for poles – this would prohibit most Fenwick Island properties. He would suggest we keep the same ratio for roof mounted turbines. Additional information on roof turbines needs to be researched before any further consideration.
- Bill also referred to the resolution passed at the February Town Council meeting requiring a maximum of \$100 building permit fee for the installation of solar energy power installation. He would also like to recommend an exemption from the 30' height restriction to allow up to 36" to allow for the proper angle mounting of solar panels.
- A draft will be prepared for an ordinance requiring solar panels not to exceed 36" and presented at the April 7th meeting.

Vehicles on Beach:

- On a request by Chief Boyden, Bill stated Chapter 52-12E does not cite a specific fine for unauthorized vehicles on the beach and imposing a fine is unenforceable by the JP Court.
- After discussion, it was agreed the fine should be \$250.00.

Comprehensive Plan:

- Winnie believes the committee is moving along with the recommendations of the Comp Plan.
- It was suggested concerns regarding the Emergency Management Plan to be forwarded to Gardner Bunting.

Next Meeting:

- Discussions planned will be:
 - Dumpsters (screening)
 - Council Eligibility – forfeiture
 - Apartments (setbacks and min/max square footage)
 - Wind Turbines
 - Codebook Updates
- Next meeting held on Tuesday, April 7, 2009 at 9:30 a.m.

Old:

- None

New:

- None

Adjourn:

- Vicki Carmean made a motion to adjourn the meeting, seconded by Gene Langan. The meeting was adjourned at 11:35 a.m.